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POSTAL RATE COMMISSION
OFFICE OF THE SECRETARY

BEFORE THE
POSTAL RATE COMMISSION
WASHINGTON, D.C. 20268-0001

Complaint on First-Class Mail
Service Standards

Docket No. C2001-3

OPPOSITION OF THE UNITED STATES POSTAL SERVICE TO
MOTION OF DAVID POPKIN TO COMPEL RESPONSES TO INTERROGATORIES
(November 5, 2001)

The United States Postal Service hereby files its opposition to the October 29, 2001, motion of David Popkin seeking to compel responses to interrogatories.

DBP/USPS-5(b) and 6(b)

In its October 22, 2001, objection, the Postal Service explained that individual facility Clearance Times and Critical Entry Times were not a factor in the development of the service standards at issue. CETs and CTs for each plant undoubtedly affect mailflows and transportation and the quality of delivery service actually provided, but then so do such disparate factors as policies about carrier casing and what time carriers should hit the street every day, not to mention airline flight schedules under the FedEx contract. Providing a list of CETs and CTs for intermediate mail processing facilities gets one no closer to resolving the issue of whether the service standard changes at issue were made in compliance with section 3661 and result in the provision of First-Class Mail service consistent with section 3662. The issues is not whether some CET or CT needs to be changed at some plant in order for it to be said that mail service complies with section 3662. The interrogatory seems to imply that the purpose of this proceeding is to get the Commission to recommend the establishment of different CETs and CTs than are currently in effect for each facility. The core issue in this proceeding is whether the service standards changes - which were not established on the basis of

the CETs or CTs -- result in service not complying with section 3662. Accordingly, the Postal Service stands by its objection. The requested information is irrelevant to the issues in this proceeding.

DBP/USPS-7(a & b)

The Postal Service intends to file by the end of this week a further revised response to subpart (a) which includes references to Clearance Times which were *inadvertently omitted from the revised response filed on October 22nd*. For the reasons applicable to DBP/USPS-5(b) and 6(b), the Postal Service considers the list of Clearance Times for each of several hundred facilities to be irrelevant to the issues raised by the complaint in this proceeding.

DBP/USPS-16(a)

This interrogatory appears to have sought some definition of the minimum areas that can comprise a 1-day, 2-day, or 3-day service areas for a point of origin. The Postal Service provided an answer on October 22, 2001, which it thought was responsive by directing Mr. Popkin's attention to the definitions of 1-day, 2-day, and 3-day service areas. Mr. Popkin argues that it is not responsive by asking several questions about his own mail service. The Postal Service considers that it has responded reasonably to the very general question he originally asked. If he wants to know whether all mail from an origin to all addresses in a destinating 3-digit ZIP Code area is supposed to have the same service standard, he can always refer to the October 29th response to DBP/USPS-34.

DBP/USPS-17(b)

This interrogatory seeks a list of all 3-digit ZIP Code pairs where air service is utilized to effect 2-day First-Class Mail service and to identify which pairs where the use of surface transportation would have resulted in 3-day or more service. The October 29th response to DBP/USPS-46 indicates that air service is not used to advance the

level of service provided to mail subject to a 2-day standard. This means that the 2-day standard is capable of being achieved using surface transportation, but that surface transportation is not used in these instances.

The Postal Service is not certain whether its transportation system files can be manipulated in a manner that differentiates air service or flight data on the basis of whether all of the First-Class Mail being carried is subject to a 2-day or 3-day standard. Although that can be inferred in some instances (a non-stop commercial passenger flight carrying mail between East and West Coast cities implies 3-day mail), it is not always clear on shorter flights, since even some of the mail going from coast-to-coast travels through airline hub-and-spoke operations, meaning that some 3-day coast-to-coast mail travels on shorter flights concurrently with some 2-day mail. The Postal Service requests another week to determine if it is even feasible to isolate 2-day and 3-day data in any meaningful manner.

DBP/USPS-18(a)

The best answer Mr. Popkin is going to get is the general answer he got. The Postal Service is unable to locate records which reflect the service standards among all 3-digit ZIP Code areas in 1990. Therefore, the Postal Service cannot, as requested by the interrogatory, describe the precise extent to which there was reciprocity in the service standards among 3-digit ZIP Code areas at that time or how it compares to current levels of reciprocity. The degree of reciprocity has either stayed the same, increased or decreased. It is immaterial to the issues in this proceeding what level of reciprocity there may have been a decade ago. The instant proceeding is about whether the current service standards, with whatever level of reciprocity that embody, were implemented in a manner consistent with section 3661 and whether they result in the provision of service consistent with section 3662. One does not need to make a historical comparison to resolve those questions.

DBP/USPS-19(a)

The motion to compel argues that the Postal Service did not slavishly follow the format of the interrogatory in responding. The Postal Service admits as much. The question, as formulated, literally asks for a comparison between 1990 "conditions" and current "policies." It is impossible to compare a 1990 "apple" to a 2001 "orange," as requested. The motion to compel argues that the Postal Service did not respond by indicating "the conditions that existed at the time of Docket No. N89-1. Here, Mr. Popkin has used a question template that makes no sense. It is not clear what conditions the Postal Service would be expected to describe in response to this question. Responding to interrogatories is one thing. Solving puzzles is a different matter altogether. In his question and in his motion to compel, Mr. Popkin has utterly failed to provide guidance regarding what he thinks he is asking. The Postal Service cannot be expected to save him from himself or to strain its resources to compensate for his style of interrogation.

DBP/USPS-26(a-f)

Undersigned counsel welcomes Mr. Popkin to arrange for a mutually convenient date for the examination the Postal Service's Docket No. N89-1 docket documents files. Mr. Popkin would then be able to determine for himself the extent to which any projections were made in that case regarding how much mail was expected to shift service standards.

DBP/USPS-39

This question asked for copies of records for the past two years which show the actual times for each daily highway contract route run between hundreds of postal facilities over the last two years. Hundred of postal facilities. Thousands of daily truck routes among these facilities. Seven hundred and thirty days worth of information showing how much time it took each truck to get from point A to point B. For what

reason? So that Mr. Popkin can analyze the degree to which it is reasonable to use PC Miler as part of the process for determining what might be within reasonable reach of a particular point of origin by surface?

Mr. Popkin's insistence on wanting to examine the reliability of the PC Miler program demonstrates his penchant for missing the forest for the trees. Mr. Popkin misapprehends the relevance of the PC Miler program to the issues in this proceeding. The reliability of PC Miler is not a material issue. It is not as if the Commission is going to decide that the Postal Service is precluded from using PC Miler or has to use a different software package as part of determining what distances are within "reasonable reach of surface transportation" from a particular point of origin for purposes of organizing its mail processing and transportation network and defining 2-day service standards. It is the result of the Postal Service's use of PC Miler that is at issue, not whether PC Miler is a reliable tool to use. And, one does not need to request the records described in DBP/USPS-39 to know what the results of using of PC Miler were. The results are the service standards at issue in this proceeding.

Mr. Popkin has failed to tie his request to any issue in the case or to articulate how the requested information has any bearing on the resolution of issues raised under sections 3661 and 3662.

DBP/USPS-50 and 51

Mr. Popkin's request for a list of postal facilities under consideration for closing at some point in the future seeks information which has no bearing on the question of (1) whether the service standard changes at issue in this proceeding were made in compliance with section 3661 and (2) result in service consistent with section 3662. *The complaint has nothing to do with future post office closings. It seeks review of recent service standard changes.* Mr. Popkin should not be permitted to abuse discovery in this proceeding for the purpose of quenching his thirst for knowledge about

all things postal.

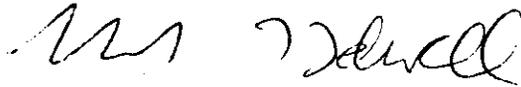
The heading in the last section of the motion refers to DBP/USPS-51, but does not appear to articulate any dissatisfaction with the response provided on October 22, 2001.

For the reasons stated above, the motion to compel should be denied.

Respectfully submitted,

UNITED STATES POSTAL SERVICE
By its attorneys:

Daniel J. Foucheaux
Chief Counsel
Ratemaking

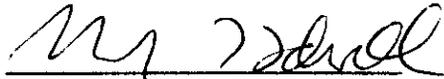


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November 5, 2001

CERTIFICATE OF SERVICE

In hereby certify that, in accordance with section 12 of the Rules of Practice, In have this day served the foregoing document upon all parties of record in this proceeding.



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